

STATE OF INDIANA )  
 )SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 7461-AG09-0121-012

IN THE MATTER OF: )

John A. Brito )  
Respondent )

19 Lutz Ave. )  
Dayton, OH 45420 )

**FILED**

SEP 03 2009

Indiana Non-Resident License No.: 468595

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

**FINAL ORDER**  
**GRANTING RESPONDENT'S OBJECTION IN PART**  
**AND MODIFYING ALJ's FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND RECOMMENDED ORDER**

The Commissioner of the Indiana Department of Insurance, Carol Cutter, having read and reviewed the Administrative Law Judge (ALJ) John Kissling's Findings of Fact, Conclusions of Law, and Recommended Order and Respondent's Response, and now being duly advised in the premises **GRANTS** said Objection in part pursuant to Indiana Code 4-21.5-3-29, and as ultimate authority in this case issues this Final Order **MODIFYING** ALJ Kissling's Findings of Fact, Conclusions of Law, and Recommended Order of July 7, 2009 by eliminating Respondent's fine and restitution.

### **GRANT OF RESPONDENT'S OBJECTION**

The Commissioner incorporates ALJ Kissling's Findings of Fact and Conclusions of Law in this Final Order and grants the following objections:

1. Respondent shall not pay restitution to Nationwide in the amount of \$22,738.00.
2. Respondent shall not pay a fine in the amount of \$5,000.00.

### **ORDER**

The Commissioner now Orders:

1. The Indiana Non-Resident Insurance Producer license of Respondent shall be permanently revoked.

ALL OF WHICH IS ORDERED by the Commissioner this 3d day of September, 2009.



Carol Cutter  
Commissioner, IDOI

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